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POLICING IN INTIMATE CROWDS: MOVING BEYOND 'THE MOB' IN SOUTH AFRICA

SARAH-JANE COOPER-KNOCK*

ABSTRACT

A growing scholarship on policing and security has given us valuable insights into the workings of private security firms, state police, and citizen-led policing organisations across Africa. In contrast, few have explored 'mob justice' – the policing performed by less organised, more transient formations of citizens. In academic and popular accounts, mobs are depicted as anonymous, sovereign entities, acting in a space that the state will not, or cannot, enter. Focusing on the township of KwaMashu in Durban, South Africa, I challenge this homogenous depiction. Although anonymous mobs punctuate the township's history, residents often find themselves within 'intimate crowds', navigating the ties that frequently bind them to their suspects, and negotiating a space in which they can act without fear of repercussion, legal or otherwise. The state police often play an important role in shaping the parameters of this policing, even when no case is formally opened. This reappraisal of policing formations consolidates and extends our understanding of statehood, society and sovereignty in post-apartheid South Africa.

THE IMAGE OF THE ANONYMOUS, sovereign mob looms large in South Africa. Local newspapers carry the headlines: 'Mob bays for blood',¹ 'Mob justice terror stalks township',² and 'Mob horror as three suspects torched'.³ Such words invoke memories of the political unrest that helped to 'make the townships ungovernable' in the 1980s, when perceived political 'traitors' were publicly necklaced by large crowds.⁴ 'Mobs, rather than the colonial or the apartheid regime's judiciary, police or military', argues Lars Buur, 'may be the ultimate image of sovereign power in the political history of South Africa'.⁵

Historical associations are important, because they shape actions and reactions in the present. However, we need a more detailed, contemporary analysis that probes acts of "mob justice" for evidence of support, dissent, complicity and coercion and explores afresh their interactions with state actors and institutions.⁶ We also need to look beyond large and

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¹ *Daily News*, 'Mob bays for blood', 27 January 2011, <<http://www.lexisnexis.com/uk/nexis/>> (24 July 2014).

² *Pretoria News*, 'Mob justice terror stalks township', 28 January 2011, <<http://www.lexisnexis.com/uk/nexis/>> (24th July 2014).

³ *The Mercury*, 'Mob horror as three suspects torched', 5 August 2010, <<http://www.lexisnexis.com/uk/nexis/>> (24th July 2014).

⁴ The burning of a rubber tyre around a suspect's neck, a practice frequently used during apartheid to excise 'traitors'. Lars Buur, 'The horror of the mob: The violence of imagination in South Africa', *Critique of Anthropology* 29, 1 (2009), pp. 27–46.

⁵ *Ibid.*

⁶ Jennifer Burrell and Gavin Weston, 'Lynching and post-war complexities in Guatemala', in David Pratten and Atreyee Sen (eds), *Global Vigilantes* (Columbia Press University, NY, 2007), pp. 371–392. One notable

spectacular “mobs” to study the actions of smaller groups in everyday life. After all, wherever in the world they appear, crowds are infamously difficult to police: what happens when smaller, far more policeable numbers of people take the law into their own hands? How do they frame and justify their actions? Are they able to act with the relative impunity that larger crowds seem to possess?

Despite the rich academic literature on policing in South Africa, these questions are yet to be explored. Many studies have focused on the actions of policing organizations like *Mapogo a Mathamaga*, *Amadlozi*, the D-Man group, and People Against Gangsterism and Drugs but relatively little attention has been given to less structured, more ephemeral ‘policing formations’.⁷ To address this gap, I explore how policing formations attempt to tackle theft and robbery in a policing precinct of the KwaMashu police station, Durban.⁸

I begin by exploring how residents framed the acts of these formations in Manichean terms as the work of “the community” against “the criminal”. To support this narrative many drew on the example of a *Malugaju* (a serial rapist and murderer) killed by an apparently anonymous, sovereign mob in 2006. In practice, however, people were more likely to find themselves in intimate crowds, that is, crowds where the residents are bound by multiple, inter-personal relationships that may tie them to others in the crowd and to their victims. Those acting within intimate crowds thus have to constantly negotiate with citizens and state actors to secure their impunity. The prospect of such negotiations – above and beyond people’s normative beliefs about the exercise of force – played an important role in shaping and constraining people’s engagement in street justice.

These findings demonstrate that the wider literature on policing and security in South Africa can be more fruitfully applied to the acts of policing formations than narratives of “mob justice” suggest. Here, as elsewhere, police work is carried out by a diverse mix of actors with varied capacities and norms;⁹ state officials within this mix are heterogeneous; and ‘the state’ they purport to represent has porous, constructed borders.¹⁰ Here too, sovereignty is not a status to be held but a claim to authority that is always contested:¹¹ such claims are grounded in violence but may or may not be grounded in law.¹²

My findings are drawn from ten months of fieldwork between 2010 and 2013, during which I conducted in-depth, semi-structured interviews with a non-probabilistic, purposely-recruited

exception being Steffen Jensen, 'Policing Nkomazi: crime, masculinity and generational conflicts', in Pratten and Sen (eds), *Global vigilantes*, pp. 47–68.

⁷ This article uses ‘policing organisations’ rather than ‘vigilantes’ and ‘policing formations’ rather than ‘mobs’, following, Lars Buur and Steffen Jensen, ‘Introduction: vigilantism and the policing of everyday life in South Africa’, *African Studies*, 63, 2 (2004), pp. 139–152.

On policing organisations, see Bill Dixon and Lisa-Marie Johns, 'Gangs, PAGAD and the state' (ISS, 2001); Barbara Oomen, 'Vigilantism or alternative citizenship? The rise of Mapogo a Mathamaga', *African Studies* 63, 2 (2004), pp. 153–171; Lars Buur, 'Fluctuating personhood: vigilantism and citizenship in Port Elizabeth's townships', in Pratten and Sen (eds), *Global Vigilantes*, pp. 121–150.

⁸ Theft and robbery is one of the most prevalent and feared sub-sets of crime in South Africa. Statistics South Africa, 'Victims of crime survey' (Republic of South Africa, 2012).

⁹ Monique Marks and Jennifer Wood, 'The South African policing "nexus": charting the policing landscape in Durban', *South African Review of Sociology* 38, 2 (2007), pp. 134–160.

¹⁰ Lars Buur, 'Democracy and its discontents: vigilantism, sovereignty and human rights in South Africa', *Review of African Political Economy* 35, 118 (2008), pp. 571 – 584.

¹¹ See also Thomas Hansen and Finn Stepputat, 'Sovereignty revisited', *Annual Review of Anthropology* 35 (2006), pp. 295–315.

¹² Jonny Steinberg, *Thin Blue: The unwritten rules of policing in South Africa* (Johnathan Ball Publishers, 2008).

sample of 43 residents, and two focus groups. These interviews formed part of a larger three-site study into policing in Durban. To protect the identity of those who wished to remain anonymous, all names are pseudonyms, and the area I studied will only be referred to by the name of its police station, KwaMashu.

Framing 'street justice' in KwaMashu

KwaMashu was established as a black township in 1958, and 98.8 percent of the area's residents remain black. Unemployment is estimated at 72 percent and residents within the policing sector I studied considered themselves to live in a particularly poor area. This sector spanned the edge of the formal settlement and an informal settlement, founded in the late 1980s, which had been partially upgraded since the transition in 1994. In the 1980s, a bloody battle-line ran between the township dominated by the African National Congress (ANC) and the informal settlement, dominated by the Zulu Nationalists, Inkatha. This turf warfare has dissipated but tensions between the ANC, the Inkatha Freedom Party (IFP) and the National Freedom Party (established in 2011) remain. During my fieldwork no citizen-led policing organizations functioned in this sector, nor could people generally afford private security services. The local Community Police Forum¹³ – an institutional interface for police and citizens that police stations are legally required to organize – existed in a relatively skeletal form, although individual executive members could play influential policing roles, as I demonstrate below. Thus, when citizens collectively participated in police work, it was usually as part of a policing formation that engaged in acts of street justice.

“Street justice” was one of several colloquial terms used to describe the collective physical punishment of a criminal, usually in a public space. It could serve a variety of ends that often elided policing and justice: identifying and punishing suspects,¹⁴ deterring future criminals,¹⁵ recovering stolen goods¹⁶ and serving a plethora of other personal agendas.¹⁷ Unsurprisingly, given that such acts were often highly localised and escaped police statistics, neither residents nor the police conclusively knew how frequently street justice occurred. Interviewees estimated that lethal incidences in the sector were relatively infrequent, but non-lethal acts occurred almost daily.

Unlike the private-security-company-cum-vigilante-group *Mapogo a Mathamaga*, interviewees did not frame street justice as a ‘traditional’ method of ‘African justice’.¹⁸ Nor was it considered a direct continuation or mimicry of apartheid-era activities, which had differed throughout the sector along political lines. Of course, individuals or groups occasionally borrowed from apartheid or pre-apartheid repertoires of policing and justice. For example, burning tyres on bodies or streets might be used to mark the boundaries of a political and/or moral community, and weapons like *sjamboks* [whips] were still used to

¹³ Diana Gordon, 'Democratic consolidation and community policing: conflicting imperatives in South Africa', *Policing and Society* 11, 2 (2001), pp. 121–150.

¹⁴ Interview, Didiza, informal settlement resident, Durban, 3 August 2010.

¹⁵ Interview, Jacob, informal settlement upgrade resident, Durban, 11 August 2010.

¹⁶ Interview, Daniel, township resident, Durban, 12 September 2011.

¹⁷ Interview, Philip, township resident, Durban, 8 July 2011.

¹⁸ Oomen, 'Vigilantism or alternative citizenship?'.

administer punishments.¹⁹ However, these repertoires of punishment did not consistently point towards a singular ‘historical template’.²⁰

Interviewees framed contemporary street justice as a political and moral act. Politically, street justice served as a critique of the state. Unlike policing organizations within the anti-apartheid struggle like the People’s Courts,²¹ this was not a critique of the legitimacy of the state *per se* but rather a critique of ways in which the police appeared, or failed to appear, in people’s daily lives. As Salwar Ismail noted with reference to Egypt, citizens ‘come to experience the state in the ways in which it does not exist for them and not just the ways that it does’.²² A shared discourse existed on police failure in the township. The police, residents narrated, were lazy, scared, and self-interested. Those who were meant to make state protection a reality were often found ‘doing office work’, that is to say, avoiding call-outs. When they did emerge, they were ‘making business’ (corruption), pandering to those ‘in the spotlight’ (the social, political and economic elite) or ‘drinking with the community’ in local taverns and ‘picking you’ (flirting).²³ All in all, police were portrayed as being simultaneously too intimate with, and too distant from, the township residents they were meant to police.²⁴

This political narrative was interwoven with a moral one, which presented street justice as an act by “the community” against its constitutive outside, “the criminal”. Many have highlighted the importance of the ‘moral community’ constructed at the centre of policing organizations and formations.²⁵ Unlike some policing organizations, however, KwaMashu residents did not describe a coherent, specific, moral community defined by custom or generational authority.²⁶ Instead, the term ‘community’ was imbued with vague ideas of morality, drawn from a shared sense of localized, collective victimhood at the hands of the archetypal “Whoonga Boy”.

Whoonga, also known as *nyaope* or *whunga*, was an impure opiate that had swept the township after it emerged around 2010.²⁷ More than the *dakka* (cannabis) or *mandrax* (methaqualone) that preceded it, residents believed that *whoonga* created desperate and, therefore, dangerous addicts. ‘All we want is peace’, claimed Senzo, a resident in her thirties, ‘[but] you know if they are addicted ... to drugs they behave wild’.²⁸ ‘Whoonga Boys’ did not form gangs like the ‘Americans’ or the ‘Hard Living’ gang in the Western Cape, whose names and members were known to local residents and whose battles for turf proscribed their

¹⁹ Belinda Bozzoli, *Theatres of Struggle and the End of Apartheid* (Wits University Press, Johannesburg, 2004).

²⁰ Ray Abrahams, ‘Afterword: some thoughts on the comparative study of vigilantism’, in Pratten and Sen (eds), *Global Vigilantes*, pp. 419–442.

²¹ William Scharf and Baba Ngcoto, ‘Images and punishment in People’s Courts of Cape Town 1985–1987: From prefigurative justice to populist violence’, in Noel Chabani Manganyi and Andre Du Toit (eds), *Political Violence and Struggle in South Africa* (London, Palgrave Macmillan, 1990).

²² Salwa Ismail, *Political Life in Cairo’s New Quarters: Encountering the everyday state* (Regents of the University of Minnesota, Minnesota, 2006).

²³ Focus Group, under 35 mixed gender, Durban, 3 June 2013; Interview, Lindiwe, township resident, Durban, 14 August 2011; Interview, Babavana, informal settlement upgrade resident, Durban, 9 August 2010; Interview, Daniel, township resident, Durban, 12 September 2011.

²⁴ This did not, of course, capture the complexity of residents’ everyday interactions with the police.

²⁵ David Pratten, ‘Introduction. The politics of protection: perspectives on vigilantism in Nigeria’, *Africa* 78, 1 (2008), pp. 1–15.

²⁷ David Grelotti et al., ‘Whoonga: potential recreational use of HIV antiretroviral medication in South Africa’, *AIDS Behaviour* 18, 3 (2013), pp. 511–518.

²⁸ Interview, Ayiza, township resident, Durban, 15 August 2011.

movements.²⁹ Instead, they often formed looser associations of young men spanning several neighbourhoods who might (but did not always) smoke together and, from there, plan their next crime. Those smoking *whoonga* were labelled as thieves or robbers. Labels, as Ray Abrahams highlighted, ‘often have a lethal quality’³⁰ and Whoonga Boys were the usual suspects for any theft or robbery in the area. They were, discursively, “the criminals” who threatened “the community”.

Thus, street justice was framed as a moral and a political act: a sanctioning of criminals by the community in the face of a state that was unable or unwilling to protect citizens as they believed it should. To illustrate the street justice they described, residents invariably relayed the killing of the suspected *Malugaju* in 2006.³¹ Below, I recount this narrative and then ask why, so many years after the incident, in interviews about theft and robbery, it proved so prevalent.

The case of the Malugaju

Spring time was usually a welcome relief for KwaMashu’s early-morning commuters, but the spring of 2006 was a fearful one: Residents were terrorized by a rapist who, with an accomplice, allegedly attacked multiple families over three consecutive months. A moral panic ensued as stories emerged of the criminals breaking into houses and raping men and women at gunpoint. Some men stayed out to try and catch the criminals, others lived under an informal curfew.³² Reports became entangled with rumours that the criminals were collecting body parts for *muti* and could disappear from the crime scene by shape shifting.³³ Such rumours only hardened beliefs that these criminals were evil beyond reprieve, and ought to be killed. As Khona, an informal settlement resident in his twenties stated, ‘You know the child of devil? The demon. The rapist [is the] same as the child of [the] devil. Obvious, [*sic*] those people ... they deserve to die’.³⁴

Eventually, the two suspects were caught by the police and, contrary to official protocol, brought to an elderly witness for identification. A crowd of several hundred residents amassed. Upon seeing the suspects in the back of a police van, the elderly woman began ‘crying’³⁵ and ‘just fell down’³⁶. The crowd stoned the vehicle, dragged out the two men in handcuffs. They were subsequently beaten with hands, rocks, *sjamboks* and bottles before being dismembered. Some residents attempted to burn the corpses. Descriptions of the police reaction varied. Some said they called for support, others alleged they ran away, but many, including several KwaMashu police officers I spoke to off the record, claimed that they simply watched, having brought the suspects back for this purpose. Whatever the truth, interviewees agreed that the two police could not have stopped the violence even if they had

²⁹ Elaine Salo, 'Social construction of masculinity on the racial and gendered margins of Cape Town', in T Shefer et al (eds), *From Boys to Men: Social constructions of masculinity in contemporary society*, (Juta and Company, Cape Town, 2007), pp. 160–180.

³⁰ Abrahams, 'Afterword'.

³¹ For another account of this incident, see Nicholas Rush Smith, 'Rights in translation: lynch violence and the rule of law' (Conference paper, Western Political Science Association, March 2012), <<http://wpsa.research.pdx.edu/meet/2012/smithnick.pdf>> (4 Jan 2012).

³² Interview, Jacob, informal settlement upgrade resident, Durban, 11 August 2010.

³³ Interview, Lwazi, township resident, CPF member, Durban, 8 July 2011.

³⁴ Focus group, under 35 men, 9 July 2011.

³⁵ Interview, Gazi, township resident, former councillor, Durban, 8 June 2010.

³⁶ Interview, Robert, township resident, Councillor, Durban, 30 June 2010.

wanted to. As one resident quoted in the *Daily News* claimed, the ‘police were outnumbered. It was mob [*sic*], the whole community came out’.³⁷ ‘When the community is angry’, Dumo, a resident in his twenties, argued, ‘the police become very small. Two vans is very small. Even if you are the police you run away’.³⁸ Only later, residents stated, with back-up on the ground, and a helicopter hovering in the sky, were the remains of the men’s bodies removed by the police.

Four years later, when I arrived to interview people about the policing of theft and robbery, the *Malugaju* killing continued to dominate conversations about street justice. This was not because it was a representative case of street justice but rather because it was a particularly close, real-world iteration of the ‘ideal type’ of street justice that residents held.³⁹ As the story was told and retold in the township, the space between the event and the ideal type closed. During the killing of the *Malugaju*, “the community” had acted as a sovereign mob united against “the criminals” – who embodied immorality at its most extreme – whilst simultaneously critiquing a state that seemed unable or unwilling to defend them. In this idealized re-retelling, no one (neither the police nor residents) stood in the way of the omnipotent, homogenous, communal force either during or after the attack. This is perfectly captured by the official police record of the incident, which stated, ‘suspect: the community’, ‘witness: unknown’.⁴⁰

However, when we move beyond the standardized, quasi-mythical narrative, there are signs of dissent: the alleged accomplice’s mother who protested her son’s innocence in the local newspaper; residents who expressed pity for humans (not the ‘child of the devil’) who were ‘killed ... like animals, like frogs’.⁴¹ What the popular narrative of *Malugaju* fails to convey is that street justice, to a greater or lesser extent, is always a complex, unstable act. This is particularly true where the crimes were not rape or murder: rumours of malevolent, occult powers usually circled particularly fearsome criminals like the *Malugaju*, and served as one of several intertwined explanations (including state incompetence and corruption) for why they evaded capture. Such rumours had real consequences for the ferocity with which the *Malugaju* was policed, and the repertoires of policing used (in this case, residents’ attempts to burn the body). However, such references were far more limited in discussions of Whoonga Boys who, unless they had committed murder, were usually spoken of as an “enemy” to be stopped, not an “evil” to be eliminated.

Moreover, in practice, there was no clear separation between the “criminals” and “the community”. Whoonga Boys were woven into township life through relationships of convenience, affection, and fear. These interconnections created contestation that shaped and limited policing formations. Whilst anonymous mobs punctuated the townships’ history, residents more frequently found themselves within intimate crowds. Participants in street justice had to manage and navigate the ties that frequently bound them to their suspects,

³⁷ South African Press Association, “‘Rapists’ dragged from cop car in mob justice’, 26 October 2006, <<http://www.iol.co.za/news/south-africa/rapists-dragged-from-cop-car-in-mob-justice-1.300345?ot=inmsa.ArticlePrintPageLayout.ot>> (23 February 2011).

³⁸ Focus Group, under 35 men, Durban, 3 June 2013.

³⁹ I use ‘ideal type’ in the Weberian sense. Ideal types are not accurate reflections of any one real-world occurrence of a phenomenon or the average empirical occurrence, but instead they exaggerate key components of a phenomenon for analytical purposes. They become the archetype against which all real-world occurrences are compared.

⁴⁰ Local police gave me a print-out of the police report in August 2010, but requested that the case number was not used.

⁴¹ Interview, Sizamile, informal settlement resident, Durban, 3 August 2010.

negotiating with state actors and other residents a space in which they could act without fear of repercussion, legal or otherwise. To begin to unpick these negotiations, I relay the story of Blessing – a useful juxtaposition to the *Malugaju* narrative.

The case of Blessing

When I spoke to Blessing, an informal settlement resident in his twenties, he was perched on the edge of his couch to accommodate two cumbersome plasters encasing each leg. Down the side of one plaster cast was scrawled the words, ‘when days are dark, friends are few’. Since the last of his parents and grandparents had died in 2005, Blessing shared a shack with his brother. Blessing gradually graduated from *dakka* (marijuana) to *whoonga* with his smoking partner, Sifiso, who stole household items from his mother to secure his next hit. Sifiso’s mother blamed Blessing for her son’s behaviour. As he recalled, ‘she took it upon herself to go and tell other people that I am the one who is teaching her son to do all of this [*sic*] unsavoury things’.⁴²

In the summer of 2010, Blessing woke to hear voices outside his yard. Moments later, his door was kicked down, and around ten men began dragging Blessing to Sifiso’s house, assaulting him *en route*. On arrival, Sifiso, his mother, and other members of the public began hitting Blessing with sticks, rocks, hands, and feet until he became unconscious. When he regained consciousness, both his legs were broken. ‘The only people who came to my aid were my aunts’, Blessing recounted. ‘They saw that I was being severely beaten up and that is when they laid on top of me and they intervened on my behalf ... two of them because the one was laid on top of me and the other one called the police’.

When the police arrived, everyone except Sifiso’s mother dispersed. She informed the police that Blessing was a thief who had been stealing from her, and that she had already opened a case against him. The police duly placed him under hospitalized arrest. Months later, when Blessing was about to go to court, Sifiso’s mother withdrew the case. Blessing understood why: if case had continued, he could have implicated Sifiso in court. Besides, by this point Sifiso’s mother had succeeded in driving a wedge between her son and Blessing – the boy she believed was leading him astray. Blessing had decided to ‘become a lone ranger’.

Meanwhile, he was considering opening a case against Sifiso’s mother. This was not the first time Blessing had been assaulted by local residents. Knowing his reputation as a drug addict and thief, his neighbours had attacked him with a bush knife the previous year, accusing him of theft. Blessing subsequently opened a case and reached a 700 Rand dispute resolution settlement in his favour. The difficulty now, he explained, was acquiring money for transport to the police station. After the interview, Blessing left his shack and clumsily veered down the road. ‘He’s off to look for a smoke’ said his friend, answering an unasked question.

Below, I build on some of the insights that emerge from Blessing’s case. I demonstrate that street justice could reinforce or reconfigure peoples’ social relations, moral standing and physical security for better or worse, depending on the networks within which people operated, and their skill at negotiating favourable outcomes with other citizens and the state,

⁴² Interview, Blessing, informal settlement resident, Durban, 12 September 2010.

particularly the police. These negotiations over morality, sociality, security and sovereignty were often ongoing.

Negotiating sociality, morality, and security, in the intimate crowd

Acts of street justice were both communications and constructions of moral order in the township. During acts of street justice, the border between morality and immorality was made visible in corporal injuries of the criminal suspect.⁴³ Assaults simultaneously marked the suspects' body as immoral and distinguished those who assaulted them as moral. Understanding acts of street justice as a double manoeuvre in this way, allows us to see how participating in an assault was a means of renegotiating one's own place in the moral order. In Blessing's case, for example, Sifiso capitalized on this dynamic: engaging in street justice was a redemptive act for him and - in a context where drug addicts and thieves could bring a 'bad name to your entire family'⁴⁴ - it redeemed his household, as well. To the degree that he could demonstrate an ongoing change in demeanour and associates, this reordering could be permanent.

In addition to re-ordering the moral landscape, this act of street justice also re-ordered the social landscape. By instigating the assault, Sifiso's mother symbolically and practically distanced her family from Blessing, breaking the close social bond between them. Indeed, the attraction of street justice in this instance was its very ability to simultaneously renegotiate relations of morality, sociality and security.

Many residents in this policing sector, however, did not have the luxury of being able to align their social worlds, moral orders and physical security as Sifiso's mother had. Instead, their daily navigations of township life forced them to make uncomfortable trade-offs between the three. Jama, for example, was a man in his thirties who lived in an upgraded house in the informal settlement. Some years ago, he and his neighbours had bought whistles to sound if they encountered crime so that they might accost the criminals involved. However, when they realized that the young men stealing from them came from within the neighbourhood, participation in the scheme fell apart. Jama did not object to physical punishing criminal suspects, but he could not afford the social rupture that street justice would create:

You will find if my child victimizes you criminally then I will become your enemy as well as a parent ... That is why people pulled out from being active in coming out ... People were restricted by the thought that they cannot do anything against their own people ... My neighbour here was robbed by a gang that included a boy from across the road. If we called the community here, nobody would be willing to punish that boy because he lives with us. They would become enemies to them. Now to avoid that people just pulled back.

Jama's narrative raises a second point: Much has been made of generational divides in acts of everyday policing and indeed the act itself can be seen as a means of asserting control over the behaviour of young people in a context where other sources of generational power are

⁴³ David Pratten, 'Bodies of power: Narratives of selfhood and security in Nigeria', in Thomas Kirsch and Tilo Gratz (eds), *Domesticating Vigilantism in Africa* (James Curry, 2010).

⁴⁴ Focus group, under 35 men, 9 July 2011.

being corroded.⁴⁵ However, the parental rebuffs noted above highlight the danger of overestimating generational antagonism as a driver of everyday policing.⁴⁶ Whether out of affection, economic advantage, fear, or a desire to be seen to be an effective parent, people often sought to defend their children from accusations of crime.

Trying to provide such protection, however, could be a risky endeavour: the barriers to street justice that social connectivity provided had limits. Qiniso, a resident in her twenties, had failed to act against a neighbour she suspected of stealing her phone because his mother had forcefully defended him. The mother, she argued, was on dangerous ground: 'Everyone will come to know that she has a child she defends for wrongdoing', she explained, '[if people] found out that she was that type of person, she would be [in] huge trouble. They would do something bad to her or her son because she won't do anything herself'.⁴⁷ Here, Qiniso was speaking of physical violence, but people could also find themselves subject to forms of alienation, which not only damaged people's dignity in the community, but could also affect their economic livelihoods if, like many township residents, they were reliant upon social connections for employment or informal loans. Thus, parents and other friends or relatives tried to prevent acts of street justice, but their capacity to do so was restricted, and the cost of doing so could be high.

Consequently, some parents acted as mediators between their children and any accusers, staving off street justice by *not* protesting their children's innocence. Vuyo, for example, had a son, Sidney, who was in his twenties and had a reputation for taking drugs and committing theft. Frequently, when people suspected that Sidney had stolen something from them, they came to Vuyo who would investigate the issue. If he considered his son to be guilty, Vuyo attempted to recover the stolen items or make financial reparations to the victims, as well as physically punishing his son. 'If I found him at fault I used to take action', he explained, 'Part of it was showing the people that I am doing something to see to my son's behaviour because otherwise there is this talk around that even if he had done wrong that I would not do anything to him'.⁴⁸ Vuyo was attempting to both manage and protect his son whilst simultaneously managing and protecting his own reputation as a father, an important element of which became the application of corporal punishment on behalf of the family but also of 'the community'.⁴⁹

The relative importance of parents or other intercessors in these negotiations over street justice depended on the reputation of the criminal suspect involved. Should a suspect have an established record of violence and victimization, they did not always need their parents to intercede for them. As Fanuel, a nineteen-year-old taxi worker explained, 'if you were to slap ... a well-known person you cannot expect ... nothing to happen to you ... you will lose your life for that'.⁵⁰ Jacob agreed with Fanuel, but pointed out, 'if it is just any commoner or

⁴⁵ For example, Deborah Posel, 'Afterword. Vigilantism and the burden of rights: reflections on the paradoxes of freedom in post-apartheid South Africa', *African Studies* 63, 2 (2004), pp. 231–236; Steffen Jensen, 'Security and violence on the frontier of the state: vigilant citizens in Nkomazi, South Africa', in Pal Ahluwalia et al (eds), *Violence and Non-Violence in Africa* (Routledge, Oxford, 2007), pp. 105–124.

⁴⁶ Elaine Salo, 'Negotiating gender and personhood in the new South Africa: adolescent women and gangsters in Manenberg Township on the Cape Flats', *Cultural Studies* 6, 3 (2003), pp. 345–365; Steffen Jensen, *Claiming Community: Government, township politics, and the spectre of crime* (Danish Institute for International Studies, Copenhagen, 2003).

⁴⁷ Interview, Qiniso, informal settlement upgrade resident, Durban, 13 September 2013.

⁴⁸ Interview, Vuyo, informal settlement resident, Durban, 4 June 2013.

⁴⁹ Anthony Collins, 'Violence is not a crime', *South African Crime Quarterly* 43 (2013), pp. 29–37.

⁵⁰ Focus Group, under 35 men, Durban, 11 September 2011.

another boy probably under the influence of drugs and he gets caught. Then, obviously, without a doubt they would partake in it [street justice]’.⁵¹

Practically, of course, for any retaliation to occur, people needed to know who had committed the assault. Whilst I have argued that people often operated in an intimate crowd and not an “anonymous mob” this is not to suggest that all participants in that crowd were *equally* known to each other or their target. Fear of retaliation was particularly high amongst younger interviewees, whose social networks (broadened by schooling as well as other associations) were more likely to overlap with those being assaulted. These young people were keenly aware that the friends of those being assaulted could loiter at the scene, noting who had participated in assaults, acting as a silent reminder to those in the intimate crowd that the security they were creating through their actions was decidedly ephemeral. As Sonto explained:

I just stand there and watch [street justice]. You know those people if they know you - and I am at that age [where] they know you - and let’s say I am beating you then [they] are going to tell [their] friend that Sonto was there, so they can... come to me you know. So I just stand far away and watch.⁵²

Thus far, I have demonstrated that street justice could affect relations of sociality and morality as well as determining people’s physical security in the township. This was both its attraction and its limiting factor. Although, discursively, “the criminal” and “the community” were clearly separated, in practice, a web of relations stretched across the criminal and non-criminal divide and limited people’s participation in street justice. However, connections to criminals did not uniformly erode people’s sense of security nor their ability to police theft and robbery. Sometimes this proximity could be used to people’s advantage.

Lindiwe was a township resident in her twenties. She railed against criminals who were ‘children that we grew up with ... that has turned out to be our enemies’ but in lieu of effective police protection she befriended local ‘crime-makers ... in order to be protected’.⁵³ Now, when she arrived late from work, those that she would otherwise have feared offered to walk her half-way home, letting others know ‘his is my sister don’t do anything to her’. Not only did these tactical friendships prevent Lindiwe falling victim to crime, they also helped her family to recover stolen goods. When building materials were stolen from her home in 2009, ‘the same crime makers, they listened for who took [it]. Because they know themselves, they have got connections, they know, and they brought it back...they said, “don’t steal from that house ... that is our home” ... even though we are still not sure who took it, we have got it back’.

However, such relationships were not without trade-offs: Lindiwe’s “insurance scheme” constrained her from participating in actions (including street justice) that might be seen as a slight against her ‘crime makers’. The breadth of their networks – an advantage when she was trying to recover goods – became a constraint in this context. Speaking of her and her sisters, she stated, ‘When we come on the side of the community we become the enemy, we are the first to be targeted. It is a dangerous thing but sometimes we have to make stupid choices’. Lindiwe attributed these ‘stupid choices’ to the fact that, as a woman in the township, she was particularly vulnerable. Men, she argued, could afford to align their social and moral worlds

⁵¹ Ibid..

⁵² Interview, Sonto, informal settlement resident, Durban, 9 August 2011.

⁵³ Interview, Lindiwe, township resident, Durban, 14 August 2011.

without jeopardizing their physical safety. Conciliatory relationships with crime-makers were just one of the many gendered compromises Lindiwe felt she had to make.

In addition to these constraints, opportunistic relationships with crime makers could lead to explicit risks. As Sanele, a resident in his fifties, explained, any link with crime-makers could jeopardize one's own place in the moral order. 'It is best just to keep to yourself', he argued, 'because once you associate yourself with the criminals then the community looks at you in a very shady type of way because they are going to think that you are a part of what they are embarking on or whatever they are doing'.⁵⁴ Just like parents whose children were engaged in theft and robbery, those residents who benefitted from criminal connections were in danger of moral denigration by association that could ultimately be physically dangerous. Busisiwe, for example, a resident in her sixties, recalled an incident in which a crowd of around 20 people came to her house: her daughter, who lived with her, was dating the man they suspected of stealing their electricity cables. Unable to find their suspect, they called on Busisiwe's house to find out where he was. As they were assumed to benefit from his criminality, Busisiwe recognized that her house could become a legitimate target, should they be uncooperative.⁵⁵ Lindiwe attempted to circumvent such problems by claiming that her connections with crime makers could facilitate their reform, aiding their return to the moral community. 'I am trying to find how can I help them to get out of this mess of drugs', she claimed, 'But you can't help a person at a distance, you need to be very close'.

Summoning the state: street justice and the police in KwaMashu

In KwaMashu, the police often played an important role in the negotiation of street justice, even when no formal case was opened. Encounters with police officers were far from consistently amicable and the outcomes of exchanges were not completely predictable, but the presence of these state actors in the negotiation of street justice is practically and theoretically significant. Practically, the police had the potential coercive power and bureaucratic authority necessary to physically remove the suspect from the site of street justice to police cells, hospitals or the morgue. But they were also seen as the actors who *should* intervene: the state was the legitimate locus of action against crime, and it was the police's responsibility to negotiate an end to acts of street justice that their failures had prompted. No reliable data exists to tell us how often the police were called to intervene but residents described this process in routine terms. Recounting one instance, for example, Sizamile recalled, 'What happened? The usual. Once you fall into the hands of the community, you are given a hiding and the police are called in to take you away. And you are fortunate if the police are quick enough to come and take you away'.⁵⁶

In some cases, the police were immediately called by the family and friends of the accused, who believed them to be innocent or did not want to see them punished, regardless of guilt. As Sonto noted, 'they just keep going until the police came [*sic*] because you know when you are beating someone he has got friends, families, sisters, [and] they are going to call the police. And, when the police came, they just help that person'.⁵⁷ Whilst many criminals operated outside their own neighbourhood to lessen the risk of being identified, this made

⁵⁴ Interview, Sanele, informal settlement resident, Durban, 17 September 2011.

⁵⁵ Interview, Busisizwe, informal settlement resident, Durban, 30th May 2013.

⁵⁶ Interview, Sizamile, informal settlement resident, Durban, 3 August 2010.

⁵⁷ Interview, Sonto, informal settlement resident, Durban, 9 August 2011.

them more vulnerable to severe punishment in instances when they were caught. As Qiniso argued, 'If it happens to you in another area, you are going to die. But if they know you [as a friend or parent of the accused] ... they tell you, "your child is getting killed that side if you run you might save him"''.⁵⁸

However, those who called the police did not always know the suspect in question. Sometimes, individuals inside or outside the formation called when they felt that sufficient punishment had been administered. Lindiwe, for example, had her purse stolen from her house by a young girl who was subsequently caught and assaulted. Although she did not participate, Lindiwe allowed this assault to continue until she felt that the punishment had equalled the crime: 'I realized that the child would be beaten to death. I called the police the same night ... I want that child to be disciplined I want her to be arrested, but on the other hand I don't want her to die ... So I called the police and she was arrested that night'.⁵⁹ Whilst definitions of 'sufficient' punishment varied, many people intervened when they believed a suspect would be killed. Qiniso, for example, recalled a suspect accused of stealing being assaulted in the streets. 'We knew that he was going to die ... he was saying he did not do it and they did not believe him. ... The police had to take him away', she explained, 'because he was going to die ... when the people are angry they forget killing is not a good thing [and] they will regret it when they have cooled off'.⁶⁰

There was no guarantee in such scenarios that the police would arrive immediately, but given the number of accounts that ended in negotiation with the state, it seems that they often did. In principle, the police should arrest both the citizens assaulting the suspect and, depending on the evidence available, the suspect they were assaulting. In practice, however, participants in street justice were not arrested at the scene. When the police arrived before a person was killed, their priority was to safeguard the suspect. Reactions to the arrival of the police varied greatly but stories of acquiescence by the crowd were common. Nhlanhla, for example, recalled an assault he had witnessed: 'When the police arrived, they halt. They say, "This is the criminal" ... they gave a statement as to who is the guy and ... the police they took him'.⁶¹ Similarly, Dumo recalled:

Last week here at the train station, they were beating these whoonga guys ... One they beat him ... dead and the other one when they go after him someone call the police and when [the group] were catching him the police was there and they [the police] say 'no' ... people still respect the police, they respect the police and [so] they give that guy away and they go.⁶²

Here, Dumo frames acquiescence as 'respect'. Similarly, Qiniso, recounting the resolution to the case relayed above, stated: 'When the police came in [the residents] gave him respect because they did not keep beating [the suspect] so it was easy for the police'.⁶³

How can we reconcile this talk of 'respect' for state actors with the disdain in which many residents held the police? Firstly, any respect afforded to the police was on the basis that they were representatives of a state that should be acting in matters of crime, and also had the capacity to act when they chose to do so. Secondly, respect was conditional upon the police

⁵⁸ Interview, Qiniso, informal settlement upgrade resident, Durban, 11 August 2010.

⁵⁹ Interview, Lindiwe, township resident, Durban, 14 August 2011.

⁶⁰ Interview, Qiniso, informal settlement upgrade resident, Durban, 13 September 2013.

⁶¹ Focus Group, under 35 mixed gender, Durban, 3 June 2013.

⁶² *Ibid.*

⁶³ Interview, Qiniso, informal settlement upgrade, Durban, 13 September 2013.

giving the crowd ‘the necessary respect’⁶⁴ when entering into cases of street justice to try and extricate a suspect. Where the police entered heavy-handedly or attempted to arrest participants, they stood to be forcefully rebuffed. To understand why, we need only remember that participants saw street justice as a necessary act *in lieu* of a responsive state. State actors could enter such situations because the state was ultimately desired, but they had to do so in a manner that recognized that this situation arose, in the minds of its instigators, because the police stood in dereliction of duty. In the ensuing state-citizen engagement, citizens shamed police officers for their inaction and resisted any response that attempted to do more than humbly take over where citizens had left off. As Sonto explained, ‘When they [the police] come with an attack, the community also attack them. But when they just come quietly [they don’t]. Sometimes we respect them and sometimes we are just chasing the police when they are coming ... because they don’t respect us too’.⁶⁵

Thus, as Nlhanlha noted, it was ‘not easy for the police to arrest people’ who were participating in street justice. Nonetheless, he argued, the police would ‘investigate afterwards’, particularly if the victim of this assault pursued the issue. Those participating in street justice realised that arrest was a legal possibility, even it were not a legitimate one. With this in mind, residents often utilized one of three negotiation strategies. Firstly, some sought to evade the criminal justice system. To build a case, police needed to identify both aggressors and witnesses. Knowing this, participants could undermine police efforts by taking collective responsibility for an assault, and refusing to give witness statements. As Sonto explained:

Policemen ... come, they ask ‘who did it?’ Everyone will say ‘we did, we did’ or, ‘we don’t know: we just came and we found him like this’. So that is how it goes ... I mean the way that people [get] angry you cannot ask that question and expect an answer because if you keep pushing they are getting more and more angry so just call the mortuary hearse and whatever, clear the road if you need to clear the road and that is it.⁶⁶

A second tactic that people deployed in negotiations with the police was to instrumentalize rather than evade the criminal justice system. Opening a case in KwaMashu could serve many uses, one of which was to secure one’s claim to victimhood in an on-going dispute.⁶⁷ Sifiso’s mother, for example, positioned herself as victim and Blessing as aggressor by opening a case before assaulting him. This case also became proof that she had attempted to resolve her issue within the law, but the law had proved ineffective. She withdrew her case when her own son could have been implicated: for residents utilising cases in the negotiation of everyday disputes, knowing when to close a case was as important as knowing when to open one.

Finally, when the police arrived, residents could try and coax “the person” out from under “the uniform” in an attempt to elicit sympathy and support. Lindiwe, for example, recalled an incident where a policewoman came to intervene in an act of street justice:

⁶⁴ Interview, Lwazi, CPF member, Durban, 6 June 2013.

⁶⁵ Interview, Sonto, informal settlement resident, Durban, 9 August 2011.

⁶⁶ Interview, Sonto, informal settlement resident, Durban, 9 August 2011.

⁶⁷ Olly Owen, *An Institutional Ethnography of the Nigerian Police Force*, (University of Oxford, unpublished PhD dissertation, 2013); Julia Hornberger, “‘My police – your police’: the informal privatisation of the police in the inner city of Johannesburg”, *African Studies* 63, 2 (2004), pp. 213-230.

The police came and the community was very angry and told them, 'you know what, we will take the law into our own hands because you don't know anything, these people they rob us and tomorrow when you are not wearing your uniform they will come to you too, so let us teach them a lesson.' The police just stood back and they beaten [*sic*] him in front of the police. It was a woman police and they said, 'You know what, the very same person will come after you so we need to teach them a lesson.' Which was true. The police outside of their uniform is just a simple woman.⁶⁸

Residents blurred the boundary between state and society by addressing the policewoman in her capacity as state representative, justifying their actions by critiquing the everyday state, whilst also appealing to her as a citizen who the state would fail to protect. Of course, threatening police officers and their families was another way in which the police could be reminded about their vulnerability off duty, and the potential repercussions that their actions might hold.⁶⁹ The police, however, did not always need coaxing. Zama, an informal settlement resident in his fifties, had been a policeman from the late 1980s until he retired in 2007. He described how he reacted to street justice during the apartheid era and after:

I made it a point that I do not ask who beat them up. All the injuries that appear on that criminal I will take account for, I will take them to hospital, place them under guard and carry on with the case that they had beaten that person for. Take statements, build a case for them. Not against them. Of course beating up a criminal is a crime on its own, it is not allowed, but never as a police officer think that you can act against them. You will spoil everything. Be on their side. Play as if you can't see that the criminal is injured. He got it, he deserves it anyway ... But prevent them from killing that person... That is the kind of relationship that I built with them. And for the criminal he must thank me always for saving them ... when I showed my face whilst they was beating a person they used to say 'oh just give it to him, give it to him, we know him he will take care of him'.⁷⁰

As Zama's statement makes clear, the police's 'rescue' of criminals from acts of street justice limited citizens' exercise of violence but did not necessarily condemn it. Blessing certainly did not see his removal as a sign that the police cared about his rights. 'The police did not beat me up then', he argued, 'because they could see that I was fucked up'. Frequently in the past, however, he had been subjected to police assaults. Several years before, for example, the police arrested him aiding to armed robbers, who escaped:

I could not run away. They caught me and beat me and there is a scar I have just above my left eye, just on the left forehead above. I was hit by the police, they used the back of a gun to hit me in a big way ... [because] the two guys I was with had firearms ... I was put in the cells for a three of four days and they just kept coming in and hitting me and telling me to tell them their whereabouts.⁷¹

Thus, relationships between the police and Whoonga Boys were often characterized by indifference or abuse. Nonetheless, the police often prevented them from being killed in acts of street justice and the criminal justice system could sometimes be used to charge those who had committed the assault. As such, the state played an important role in shaping the

⁶⁸ Interview, Lindiwe, township resident, Durban, 14 August 2011.

⁶⁹ Steinberg, *Thin Blue*.

⁷⁰ Interview, Zama, informal settlement upgrade resident, Durban, 26 July 2010.

⁷¹ Interview, Blessing, informal settlement resident, Durban, 13 September 2013.

parameters of street justice, although they did not mark the start nor the end of conversations over morality and security in the township.

Of course, the borders of the state are constructed and porous. Members of the local Community Police Forum (CPF) executive, like Lwazi, operated within these borders, and could also play an influential role in negotiations. Lwazi was a township resident in his forties who had been at the forefront of the anti-apartheid struggles with the ANC since the late 1980s. He joined the CPF when it emerged in KwaMashu, in 1996, to mend the broken and fractious relationship between the police and local citizens. However, CPFs had not comprehensively remade relations between citizens and the police: public meetings were few and hampered by the same lack of criminal-community divide that shaped acts of street justice; trust in the police was low; and resources for civic action were virtually non-existent.

CPF leaders could play a significant role in township life to the extent that they used this formal institutional space to forge particularistic connections with the upper echelons of the police. By 'contact calling' CPF leaders could secure the police's attention in a way that many residents could not. This enabled them to act as brokers between citizens and the state. Thus, Lwazi was frequently asked to summon the police to scenes of street justice. He also intervened directly to mediate conflicts and investigate crimes without calling the police, but bolstered by his potential to do so.

Lwazi's role in such negotiations was complicated by his affiliation to the ANC. The political-symbolic capital he had accrued as an anti-apartheid activist had enabled him to secure and fulfil his role in the CPF. Moreover, Lwazi was not opposed to party political mobilization around security in principle: He supported the Street Committees in neighbouring Newlands East that President Jacob Zuma had launched with the words: 'The formation of these three street committees is an indication that the ANC in KZN is alive and ready to respond to a call to fight crime'.⁷² However, Lwazi believed that political mobilization had no place in a 'body that was legislated for', like the CPF and his support for groups and individuals across the political spectrum supported this sentiment.

Things, however, are rarely so simple. Despite his personal stance, many assumed that an ANC affiliate would toe the party line. In 2011, for example, Jabu and his friends who were township residents in their thirties, assaulted Nathi, an informal settlement resident also in his thirties, having accused him of stealing electricity cables. Nathi opened a case against them and when Jabu called a community meeting to discuss the matter, he was referred to Lwazi by the local ANC councillor. Lwazi attempted to broker a settlement and persuade Nathi to drop the charges in return for an apology and an assurance that he would not be accused again. This personal conflict, however, had long-running political undercurrents: Nathi had fought for Inkatha as a teenager under apartheid and Jabu had fought for the ANC. As an ANC member, Lwazi was not trusted by Nathi as a mediator, despite his efforts to remain apolitical within the CPF. Intentionally and unintentionally, party affiliation continued to shape the landscape of everyday policing and, in doing so, could reinforce a sense of political marginality amongst those outside the ANC.

Conclusion

⁷² *Daily News*, 'Street committees target crimes', 11 August 2008, <www.iol.co.za/news/politics/street-committees-target-crime-1.411962#.U9KCKpIdWS0> (25 July 2014).

This article has addressed a gap in the study of policing in South Africa and beyond, by exploring policing formations that engaged in acts of 'street justice' in KwaMashu. Discursively, KwaMashu residents presented 'street justice' as a moral and political act taken by "the community" against "the criminal" in the context of an unresponsive state. The narrative of the Malgaju killing was frequently shared by local residents because it lay close to this ideal type of street justice exacted by a sovereign, anonymous mob. More frequently, however, residents found themselves in an intimate crowd and attempts to police theft and robbery through street justice had to be negotiated with other residents and the police.

These findings highlight the importance of taking interpersonal relationships, shaped by factors like gender, age, politics and economics, seriously. The role of such relations in constraining and shaping participation in policing formations has, thus far, been largely ignored. Acknowledging their importance leads us away from the image of the anonymous, sovereign mob, which fails to capture the contestation that surrounds street justice and encourages a problematic assumption that sovereignty is seized and exercised, rather than claimed and defended against others in society as well as the state.

Recognizing that people often operated within an intimate crowd does not, however, present any easy policy conclusions: the same networks that shaped people's recourse to non-state policing also shaped their access to the state's criminal justice system. As we have seen, people sought the police, but they sought them in a partial, partisan form: their actions balanced how they thought state actors should behave, with their expectations of how they thought they would behave, and how they needed them to behave in any particular instance. The political justification for street justice was the absence of an effective, rule-bound state that acted above the fray of everyday life but we need to go beyond this narrative of state failure to appreciate why street justice emerged and how it was managed.